

## Message Text

CONFIDENTIAL

PAGE 01 STATE 134680

64

ORIGIN ARA-20

INFO OCT-01 ADP-00 SS-15 L-03 INR-10 PRS-01 SCI-06 RSC-01

/057 R

DRAFTED BY ARA/MEX:JHAMILTON:MES

7/10/73:X-20766

APPROVED BY S/PC:SDEATON

ARA/MEX:CPTORREY (IN DRAFT)

ARA/MEX/IBWC:TRMARTIN (IN DRAFT)

----- 045788

P 102136Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L STATE 134680

STADIS////////////////////////////////////

E.O. 11652, GDS

TAGS: PBOR, MX

SUBJECT: SALINITY -- SECOND ROUND OF NEGOTIATIONS

1. THE SECOND ROUND OF NEGOTIATIONS CONSISTING OF THREE PLENARY SESSIONS AND A PRIVATE MEETING BETWEEN FOREIGN SECRETARY RABASA AND AMBASSADOR BROWNELL ENDED JULY 9. A THIRD ROUND WILL BE HELD AT A TIME AND PLACE TO BE DETERMINED. BROWNELL PRESENTED A REVISED DRAFT MINUTE ON JULY 6 AND A THIRD DRAFT IN THE FORM OF A STATEMENT OF POINTS OF AGREEMENT (INCLUDING POINTS WHICH MAY BE INCLUDED IN A SECOND MINUTE) ON JULY 9. WE ARE POUCHING TEXTS OF THESE DRAFTS AND REPORTS ON THE PLENARY SESSIONS.
2. AT THE CONCLUSION OF NEGOTIATIONS, THE REMAINING ISSUES AND POSITIONS OF EACH SIDE WERE:

- A. THE DIFFERENTIAL -- MEXICO IN THE FINAL SESSION ARGUED FOR A SOLUTION BASED UPON IMPROVEMENT OF BOTH WELLTON-MOHAWK AND SOUTH GILA DRAINAGE TO IMPERIAL DAM QUALITY, WHICH WOULD RESULT IN A 49 PPM

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 134680

DIFFERENTIAL. IN THE SECOND SESSION RABASA HAD INDICATED MEXICO MIGHT ACCEPT A DIFFERENTIAL REPRESENTING A 10 DETERIORATION IN SALINITY BETWEEN IMPERIAL AND MORELOS DAM, WHICH WOULD BE 86 PPM. BROWNELL CONSISTENTLY MAINTAINED THE US COULD NOT GO BELOW A 115 PPM DIFFERENTIAL.

B. THE US PROPOSAL OF JULY 9 OFFERED "AS SOON AS PRACTICAL AND NO LATER THAN JULY 1, 1974" FULL SUBSTITUTION FOR WELLTON-MOHAWK DRAINAGE, PROVIDED MEXICO ACCEPTED THE 115 DIFFERENTIAL. BROWNELL EXPLAINED THE US COULD NOT SUBSTITUTE FULLY FOR WELLTON-MOHAWK DRAINAGE UNTIL THE CONGRESS AUTHORIZED THE LEGISLATION REQUIRED TO SALVAGE WATER TO BE USED FOR SUBSTITUTION.

C. MEXICO ACCEPTED US LANGUAGE ON CONSTRUCTION OF A LINED BYPASS DRAIN THROUGH MEXICAN TERRITORY TO THE SANTA CLARA SLOUGH BUT OBJECTED TO THE PROPOSED SIZE OF THE DRAIN AND TO THE POSSIBILITY IT MIGHT BE USED FOR PURPOSES OTHER THAN DISPOSAL OF BRINE FROM DESALTING OPERATIONS CONDUCTED TO IMPLEMENT THE SALINITY AGREEMENT.

D. MEXICO ACCEPTED US LANGUAGE ON CONTINUATION OF DELIVERY OF 140,000 ACRE-FEET PER YEAR AT SAN LUIS "OF A SALINITY SUBSTANTIALLY THE SAME AS THAT OF THE WATERS CUSTOMARILY DELIVERED THERE," SUBJECT, HOWEVER, TO INCREASES IN SALINITY RESULTING FROM INCREASES IN SALINITY OF THE WATERS ABOVE IMPERIAL DAM.

E. THE MEXICAN DELEGATION WOULD NOT ACCEPT US LANGUAGE ON SALINITY INCREASES ABOVE IMPERIAL DAM IN THE ABSENCE OF LINKAGE OF SUCH INCREASES TO "NATURAL CAUSES," WHICH THEY WOULD EQUATE WITH "REASONABLE USE;" BROWNELL SAID THAT BOTH EXPRESSIONS WERE TOO VAGUE TO BE MEANINGFUL AND THAT MEXICO WOULD OBTAIN ADEQUATE PROTECTION FROM LANGUAGE RECOGNIZING THAT INCREASES IN SALINITY WOULD BE BORNE BY BOTH

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 134680

COUNTRIES. THIS POINT WAS LEFT OPEN.

F. ON DAMAGES, MEXICO OFFERED TWO ALTERNATIVES TO A CLAIMS COMMISSION, A LUMP SUM PAYMENT BASED ON FINANCIAL LOSSES RESULTING FROM THE AMOUNT OF ACREAGE TAKEN OUT OF PRODUCTION, OR A COMBINATION OF A SOFT LOAN FOR REHABILITATION IN THE MEXICALI VALLEY AND A GRANT FOR TILE TO BE USED IN IMPROVEMENT OF IRRIGATION

GATION FACILITIES IN THE MEXICALI VALLEY OR FOR OTHER PURPOSES. BROWNELL OFFERED TO SUPPORT MEXICAN EFFORTS TO OBTAIN "APPROPRIATE FINANCING" FOR IMPROVEMENT OF IRRIGATION FACILITIES BUT OTHERWISE OFFERED NO ENCOURAGEMENT. BROWNELL INSISTED UPON INCLUSION OF LANGUAGE EXPLICITLY RELIEVING THE US FROM FUTURE CLAIMS, TO WHICH RABASA OBJECTED.

G. RABASA IN A PRIVATE MEETING WITH BROWNELL SAID MEXICO WOULD OBJECT BUT NOT INSISTENTLY TO US GROUNDWATER PUMPING OF UP TO 80,000 ACRE-FEET PER YEAR ON THE US SIDE OF THE BORDER BUT WOULD SEEK TO ENJOIN US PUMPING ABOVE THAT RATE, APPARENTLY ON THE BASIS OF A PRIOR APPORTIONMENT CLAIM. IN THE THIRD PLENARY SESSION BROWNELL MADE THE US POSITION CLEAR THAT MEXICO WOULD HAVE TO ACCEPT US LANGUAGE PLACING A 160,000 ACRE-FEET PER YEAR LIMITATION ON EACH COUNTRY WITHIN FIVE MILES OF THE BOUNDARY OR FACE A "PUMPING WAR" WITH THE US.

H. MEXICO ACCEPTED US LANGUAGE SUBJECTING THE AGREEMENT TO CONGRESSIONAL AUTHORIZATION.

3. DURING A LUNCHEON HOSTED BY THE ACTING SECRETARY, RABASA REQUESTED A MEETING WITH PRESIDENT NIXON TO DELIVER A PERSONAL MESSAGE FROM PRESIDENT ECHEVERRIA. WE HAVE REQUESTED AN APPOINTMENT, AND RABASA HAS STAYED OVER IN WASHINGTON.

4. AMBASSADOR BROWNELL HAS SCHEDULED A MEETING WITH THE COMMITTEE OF FOURTEEN FOR JULY 16 TO DISCUSS THE RESULTS  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 134680

OF THIS ROUND OF NEGOTIATIONS AND TO REVIEW OTHER SUBJECTS OVER WHICH THE COMMITTEE HAS EXPRESSED CONCERN. HE WILL THEN BE OUTSIDE THE US UNTIL MID-AUGUST.

5. ON BEHALF OF THE DEPARTMENT OF INTERIOR BROWNELL REQUESTED PERMISSION FROM RABASA FOR A GROUP OF BUREAU OF RECLAMATION ENGINEERS TO MAKE AN AIR AND GROUND INSPECTION OF THE PROPOSED ROUTE OF THE BYPASS DRAIN TO THE SANTA CLARA SLOUGH. RABASA HAS GIVEN PERMISSION IN PRINCIPLE PROVIDED THERE IS NO PUBLICITY. WE WILL REQUEST PERMISSION THROUGH THE MEXICAN EMBASSY HERE AS PER RABASA'S SUGGESTION;

6. COMMENT: DESPITE THE REMAINING SUBSTANTIAL AREAS OF DISAGREEMENT, WE ARE ENCOURAGED BY PROGRESS MADE DURING THIS ROUND OF NEGOTIATIONS AND ARE HOPEFUL FINAL AGREEMENT

CAN BE REACHED IN AUGUST. RABASA TOLD BROWNELL IN THEIR  
PRIVATE MEETING THAT PRESIDENT ECHEVERRIA WANTED TO MAKE A  
PUBLIC ANNOUNCEMENT BEFORE SEPTEMBER 1.

ROGERS

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 JUL 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** willialc  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE134680  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JHAMILTON:MES  
**Enclosure:** n/a  
**Executive Order:** GS EATON  
**Errors:** N/A  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730742/aaaaberq.tel  
**Line Count:** 174  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** willialc  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23-Jan-2002 by smithrj>; APPROVED <23-Jan-2002 by willialc>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SALINITY -- SECOND ROUND OF NEGOTIATIONS  
**TAGS:** PBOR, MX  
**To:** MEXICO  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005